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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 GOPHER PROTOCOL, INC.,

8 Plaintiff(s),

9 v.

10 DISCOVER GROWTH FUND, LLC,

11 Defendant(s).

Case No. 2:19-CV-1039 JCM (BNW)

ORDER

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13 Presently before the court is the matter of *Gopher Protocol, Inc. v. Discover Growth Fund,*
14 *LLC*, case number 2:19-cv-01039-JCM-BNW.

15 On February 3, 2020, plaintiff Gopher Protocol, Inc. (“Gopher”) filed an emergency
16 motion for contempt (ECF No. 65) against defendant Discover Growth Fund, LLC (“Discover”)
17 for failure to comply with the preliminary injunction this court entered on July 18, 2019 (ECF No.
18 28). The preliminary injunction bars Discover “from selling, foreclosing upon, encumbering,
19 dissipating, or otherwise transferring” any of Gopher’s assets pending resolution of the parties’
20 arbitration in *Gopher Protocol, Inc. v. Discovery Growth Fund, LLC* (JAMS Ref. No.
21 1260005395). (ECF No. 28).

22 Gopher contends that Discover is in contempt of the preliminary injunction because
23 Discover sent Gopher a notice on January 31, 2020, indicating that it intends to conduct a
24 foreclosure sale of Gopher’s assets on February 28, 2020. (ECF No. 65). Gopher argues that
25 although the arbitrator has now issued his final award,¹ “Discover must seek to dissolve the
26 injunction and this Court must issue a determination on whether the Debenture and Defendant’s
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28 ¹ On January 31, 2020, a final award was rendered in the parties’ arbitration, *Gopher Protocol, Inc. v. Discovery Growth Fund, LLC* (JAMS Ref. No. 1260005395). (ECF No. 65-1).

1 rights thereunder are subordinated to Gopher's debt" before a foreclosure sale may take place. *Id.*
2 Gopher requests that the court enjoin the February 28, 2020 sale, and sanction Discover for its
3 alleged repeat contempt of the preliminary injunction. *Id.*

4 Briefing for Gopher's emergency motion for contempt (ECF No. 65) will proceed as
5 follows: Discover's response is due on or before February 10, 2020; Gopher's reply is due on or
6 before February 13, 2020.

7 DATED February 4, 2020.

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9 UNITED STATES DISTRICT JUDGE